



Senate

General Assembly

File No. 418

February Session, 2006

Substitute Senate Bill No. 329

Senate, April 6, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ADMINISTRATIVE PER SE LICENSE SUSPENSION PROCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (c) and (d) of section 14-227b of the 2006
2 supplement to the general statutes are repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2006*):

4 (c) If the person arrested refuses to submit to such test or analysis or
5 submits to such test or analysis, commenced within two hours of the
6 time of operation, and the results of such test or analysis indicate that
7 such person has an elevated blood alcohol content, the police officer,
8 acting on behalf of the Commissioner of Motor Vehicles, shall
9 immediately revoke and take possession of the motor vehicle
10 operator's license or, if such person is a nonresident, suspend the
11 nonresident operating privilege of such person, for a twenty-four-hour
12 period. The police officer shall prepare a written report of the incident
13 and, except as provided in subsection (d) of this section, shall mail the
14 report and a copy of the results of any chemical test or analysis to the

15 Department of Motor Vehicles [within three] not later than three
16 business days after the incident. The report shall be made on a form
17 approved by the Commissioner of Motor Vehicles and shall be
18 subscribed and sworn to under penalty of false statement as provided
19 in section 53a-157b by the arresting officer. If the person arrested
20 refused to submit to such test or analysis, the report shall be endorsed
21 by a third person who witnessed such refusal. The report shall set forth
22 the grounds for the officer's belief that there was probable cause to
23 arrest such person for operating a motor vehicle while under the
24 influence of intoxicating liquor or any drug or both and shall state that
25 such person had refused to submit to such test or analysis when
26 requested by such police officer to do so or that such person submitted
27 to such test or analysis, commenced within two hours of the time of
28 operation, and the results of such test or analysis indicated that such
29 person had an elevated blood alcohol content. If the report contains an
30 error in form or documentation, the Commissioner of Motor Vehicles
31 shall notify the police officer, in writing, of such error not later than
32 five business days after receipt of the report and the police officer may
33 resubmit the report in accordance with the provisions of this
34 subsection not later than five business days after receipt of such notice.

35 (d) If the person arrested submits to a blood or urine test at the
36 request of the police officer, and the specimen requires laboratory
37 analysis in order to obtain the test results, the police officer shall cause
38 the specimen to be transmitted not later than the next business day to
39 the Division of Scientific Services within the Department of Public
40 Safety for such laboratory analysis. The police officer shall not take
41 possession of the motor vehicle operator's license of such person or,
42 except as provided in this subsection, follow the procedures
43 subsequent to taking possession of the operator's license as set forth in
44 subsection (c) of this section. Not later than three business days after
45 receipt of such specimen, the division shall mail a copy of the test
46 results from the laboratory analysis of the specimen to the police
47 officer and to the Department of Motor Vehicles. If the test results
48 indicate that such person has an elevated blood alcohol content, the
49 police officer, [immediately upon] not later than three business days

50 after receipt of the test results, shall notify the Commissioner of Motor
51 Vehicles and submit to the commissioner the written report required
52 pursuant to subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	14-227b(c) and (d)

TRA	<i>Joint Favorable C/R</i>	JUD
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JUD	<i>Joint Favorable Subst.</i>
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The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Public Safety, Dept.; Police Officer Std. & Training Council	GF - None	None	None
Department of Motor Vehicles	TF - See Below	See Below	See Below

Note: GF=General Fund ; TF=Transportation Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
Various Municipalities	STATE MANDATE - Cost	See Below	See Below

Explanation

There is a cost to the Department of Motor Vehicles (DMV) as a result of the requirements put forth in this bill. DMV receives approximately 12,000 arrest reports (known as A-44's) on an annual basis. The report is quite complex and contains many elements, as well as attached narrative pages prepared by the police. In addition there are machine tapes giving the test results attached to each report. Currently, DMV data enters the critical information to generate a case file and a suspension notice. DMV would need several higher skilled positions, at least paralegal or higher to perform the review of every report submitted that this bill mandates. The department will require additional staff indicated below in order to meet provisions of this bill:

- two paralegals (\$49,000 each plus fringes) in the legal unit;
- secretary or administrative assistant (\$40,000 maximum plus fringes) position in the Administrative Per Se unit.

Additionally, the bill language does not address the admissibility

into evidence of resubmitted reports. This will have the effect of lengthening the per se hearings (the department processes over 5,000 hearings a year) as well as increasing the number of hearings. This would require at least two more part-time hearing officers.

The bill makes various procedural and administrative changes that law enforcement officers must follow when filing a report with a chemical test. The procedural and administrative changes are not anticipated to result in a fiscal impact to the Department of Public Safety (DPS) or the Police Officer Standards and Training Council (POST).

Various municipalities could incur a potential cost related to the additional timelines and filing requirements contained in the bill. Some municipalities could incur overtime costs or costs associated with hiring additional staff to meet the requirements set forth in the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 329*****AN ACT CONCERNING THE ADMINISTRATIVE PER SE LICENSE
SUSPENSION PROCESS.*****SUMMARY:**

By law, anyone who operates a motor vehicle in Connecticut is deemed to have given his implied consent to undergo a chemical test of his blood, breath, or urine under certain circumstances. Anyone who either (1) refuses to take such a test when requested or (2) takes the test and the results show an “elevated blood alcohol content” is subject to an administrative driver’s license suspension imposed by the Department of Motor Vehicles (DMV) after certain procedures have been followed. This bill modifies some of the procedures that the arresting law enforcement agencies and DMV must follow.

EFFECTIVE DATE: October 1, 2006

PROCEDURAL CHANGES

Currently, the police officer responsible for the arrest must mail the arrest report and a copy of the chemical test results to DMV within three business days. The bill requires the police to mail it no later than three business days after the incident rather than within three business days. If the report contains an error in form or documentation, the motor vehicle commissioner must notify the police officer in writing of the error no later than five business days after receiving the report. The police officer may resubmit the report no later than five business days after receiving the notice from DMV.

The bill also changes how test results from blood or urine tests must be submitted. It requires the police officer to submit any such sample to the Department of Public Safety’s Division of Scientific Services for analysis no later than the next business day. The division must mail a

copy of the results of the laboratory analysis to the police officer and DMV no later than three business days after receiving the specimen.

If the blood or urine test results show an elevated blood alcohol content, the bill requires the police officer to notify the DMV commissioner not later than three business days from receiving the test results and submit the written report required by law. Currently, the police officer must do this "immediately."

BACKGROUND

Elevated Blood Alcohol Content

By law, for purposes of the implied consent law and the administrative suspension, someone has an "elevated blood alcohol content" if (1) it is .08% or more or (2) if under age 21, it is .02% or more.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference

Yea 30 Nay 0 (03/13/2006)

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/21/2006)